

IC 33-4-7

Chapter 7. Magistrates

IC 33-4-7-1

Application of chapter

Sec. 1. This chapter applies to a court expressly authorized by statute to appoint a full-time magistrate.

As added by P.L.334-1989(ss), SEC.10.

IC 33-4-7-2

Magistrate admitted to practice law in state

Sec. 2. A magistrate must be admitted to the practice of law in Indiana.

As added by P.L.334-1989(ss), SEC.10.

IC 33-4-7-3

Magistrate not to engage in practice of law while holding office

Sec. 3. A magistrate may not engage in the practice of law while holding the office of magistrate.

As added by P.L.334-1989(ss), SEC.10.

IC 33-4-7-3.5

Files of applicants confidential

Sec. 3.5. The files of applicants for appointment as a magistrate, including the names of applicants, are confidential as provided in IC 5-14-3-4(b)(8).

As added by P.L.196-1999, SEC.9.

IC 33-4-7-4

Powers of magistrate

Sec. 4. A magistrate may do any of the following:

- (1) Administer an oath or affirmation required by law.
- (2) Solemnize a marriage.
- (3) Take and certify an affidavit or deposition.
- (4) Order that a subpoena be issued in a matter pending before the court.
- (5) Compel the attendance of a witness.
- (6) Punish contempt.
- (7) Issue a warrant.
- (8) Set bail.
- (9) Enforce court rules.
- (10) Conduct a preliminary, initial, omnibus, or other pretrial hearing.
- (11) Conduct an evidentiary hearing or trial.
- (12) Receive a jury's verdict.
- (13) Verify a certificate for the authentication of records of a proceeding conducted by the magistrate.
- (14) Enter a final order, conduct a sentencing hearing, and impose a sentence on a person convicted of a criminal offense as described under section 8 of this chapter.

As added by P.L.334-1989(ss), SEC.10. Amended by P.L.164-1993, SEC.2.

IC 33-4-7-5

Serving as judge pro tempore or special judge; compensation

Sec. 5. A magistrate may serve as a judge pro tempore or as a special judge of the court. A magistrate is not entitled to additional compensation for service under this section.

As added by P.L.334-1989(ss), SEC.10.

IC 33-4-7-6

Duties assigned by court

Sec. 6. The court may assign a magistrate administrative duties that are consistent with this chapter.

As added by P.L.334-1989(ss), SEC.10.

IC 33-4-7-7

Judicial mandate; final appealable order

Sec. 7. Except as provided under section 8(b) of this chapter, a magistrate:

- (1) does not have the power of judicial mandate; and
- (2) may not enter a final appealable order unless sitting as a judge pro tempore or a special judge.

As added by P.L.334-1989(ss), SEC.10. Amended by P.L.164-1993, SEC.3.

IC 33-4-7-8

Findings; final orders; sentencing hearings; sentencing

Sec. 8. (a) Except as provided under subsection (b), a magistrate shall report findings in an evidentiary hearing, a trial, or a jury's verdict to the court. The court shall enter the final order.

(b) If a magistrate presides at a criminal trial, the magistrate may do the following:

- (1) Enter a final order.
- (2) Conduct a sentencing hearing.
- (3) Impose a sentence on a person convicted of a criminal offense.

As added by P.L.334-1989(ss), SEC.10. Amended by P.L.164-1993, SEC.4.

IC 33-4-7-9

Repealed

(Repealed by P.L.280-1995, SEC.25.)

IC 33-4-7-9.1

Salary

Sec. 9.1. A magistrate is entitled to an annual salary equal to eighty percent (80%) of the salary of a judge under IC 33-13-12-7.1.

As added by P.L.280-1995, SEC.2.

IC 33-4-7-10

Source of salary

Sec. 10. Except as provided in section 11 of this chapter, the state shall pay the salary of a magistrate. A county located in the circuit that the magistrate serves may supplement the magistrate's salary.

As added by P.L.334-1989(ss), SEC.10.

IC 33-4-7-11

Juvenile court magistrates; salary

Sec. 11. The salary of a magistrate appointed under IC 31-31-3-2 shall be paid in accordance with IC 33-13-12-8.2.

As added by P.L.334-1989(ss), SEC.10. Amended by P.L.1-1997, SEC.122.

IC 33-4-7-12

Participation in retirement systems

Sec. 12. A magistrate may:

- (1) participate in the public employees' retirement fund as provided in IC 5-10.3; or
- (2) elect to remain in the judges' retirement system under IC 33-13 if the magistrate had previously participated in the system.

As added by P.L.334-1989(ss), SEC.10.